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Attorneys for U. S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE:

: CHAPTER 13

Leticia Ann Gardner

: CASE NO. 19-15831 - MBK

Debtor(s)

**: CERTIFICATION IN SUPPORT OF
: RESPONSE TO DEBTOR'S MOTION TO
: IMPOSE THE AUTOMATIC STAY AS TO
: CALIBER HOME LOANS INC. AND AS TO
: ALL THE CREDITORS**

I, Andrew S. Spivack, Esquire do hereby certify that I am an attorney at law in the State of New Jersey for the Law Firm of Phelan Hallinan Diamond & Jones, PC, and our firm represents U. S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST (hereinafter referred to as "Respondent") in the above captioned matter. On behalf Respondent and in support thereof, the following Answers are provided as follows:

1. On March 22, 2019, Debtor filed a Motion to Impose the Automatic Stay. The Debtors' Motion proposes to Impose the Stay as to the real property located at 61 Burnet Street, Avenel, NJ 07001.
2. Respondent has advised that the debtor has not made a payment since December 2017.
3. To reimpose the automatic stay would be severely detrimental to Respondent as they are ready to proceed with sheriff sale on March 27, 2019 after not receiving any payments

in 16 months, in addition to the pre-petition arrears, which were estimated at the time debtor filed her bankruptcy petition to be \$78,584.68.

4. Please be advised that due to the shortened notice we are awaiting updated figures from Respondent as to what the total arrears currently are.
5. Even if Your Honor were to reimpose the stay, the fact that the entire plan hinges on curing what will likely be well over \$100,000.00 in pre-petition and post-petition arrears through obtaining a loan modification.
6. No financial information beyond having been advised that the debtor has new employment has been provided to support the idea that a loan modification will be approved.
7. As such, the loan modification that debtor seeks remains highly speculative and an alternative plan to cure the arrears should be required for this motion to be considered.
8. In light of the facts outlined above, U. S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST respectfully requests this Court deny Debtor's Motion to Impose the Automatic Stay as to Caliber Home Loans, Inc.
9. This Certification is made in Support of Response to Debtor's Motion to Impose the Automatic Stay as to Caliber Home Loans, Inc.
10. No brief is necessary, as the facts the petition relies upon do not present complicated question of fact or unique question of law.
11. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

WHEREFORE, Respondent, U. S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, respectfully requests that this Honorable Court deny *Debtor's* Motion to Impose the Automatic Stay as to Caliber Home Loans, Inc in its entirety; unless the debtor cures the current post-petition delinquency in full on or before the hearing date.

Dated: March 25, 2019

/s/ Andrew L. Spivack, Esquire
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